

ENTERED

February 02, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

LAWRENCE W. SINCLAIR

§

VS.

§

CIVIL ACTION NO. 5:23-CV-109

§

§

BRIAN MARK KRASSENSTEIN *et al.*

§

ORDER

Before the Court is Plaintiff's two motions, (Dkt. Nos. 28 and 29). Both motions seek an extension of thirty (30) days to respond to Defendants' motion to dismiss pursuant to Rule 12(b)(6), and in the alternative, motion to transfer venue, (Dkt. No. 21). Plaintiff's motions were filed prior to his current deadline, February 21, 2024. Plaintiff states in his second extension motion it was filed to reflect it is unopposed. (Dkt. No. 29). In the second motion, Plaintiff states:

Plaintiff has received an[] email from Defendants Counsel dated this 2nd day of February 2024 at 5:31 AM advising plaintiff Defendants are UNOPPOSED to plaintiff's Motion for Extension of Time and requested plaintiff update filing to reflect such.

Id. In general, a defendant must serve an answer or otherwise responsive pleading within 21 days after being served with the summons and complaint. Fed. R. Civ. P. 12(a)(1)(A)(i). When a party moves to extend a deadline before it expires, the court may extend the deadline for "good cause." Fed. R. Civ. P. 6(b)(1). "The permissive language of Rule 6(b) shows that any grant of an extension of time for when an act must be done falls to the district court's discretion." *McCarty v. Thaler*, 376 F. App'x 442, 443 (5th Cir. 2010); *see also SL Pathology Leasing of Texas LLC v. Miraca Life Scis., Inc.*, 2015 WL 672264, at *1 (S.D. Tex. Feb. 17, 2015).

Based on the motion, the grounds set forth therein, and the agreement of the Parties, the Court finds good cause has been established. Accordingly, Plaintiff's second extension motion, (Dkt. No. 29), is **GRANTED**. Plaintiff's deadline to file a response to Defendant's motion to dismiss pursuant to Rule 12(b)(6), and in the alternative, motion to transfer venue, (Dkt. No. 21), is extended to **March 22, 2024**. Plaintiff's first extension motion, (Dkt. No. 28), seeking duplicate relief is **DENIED as moot**.

IT IS SO ORDERED.

SIGNED February 2, 2024.



Christopher dos Santos
United States Magistrate Judge